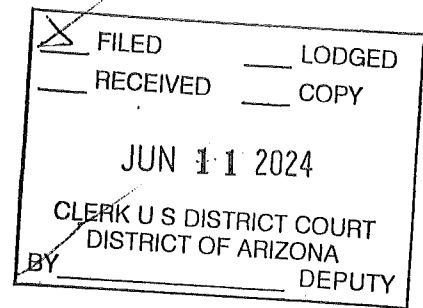


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REDACTED FOR  
PUBLIC DISCLOSURE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Mark Adams Prieto,

Defendant.

No. CR-24-8062-PCT-JJT (MTM)

**INDICTMENT**

VIO: 18 U.S.C. § 933(a)(1)  
(Trafficking in Firearms)  
Count 1

18 U.S.C. § 933(a)(1)  
(Trafficking in Firearms)  
Count 2

18 U.S.C. § 924(h)  
(Transfer of a Firearm for Use in  
Crime of Violence)  
Count 3

26 U.S.C. §§ 5841, 5861(d), and  
5871  
(Possession of an Unregistered  
Firearm)  
Count 4

18 U.S.C. §§ 924(d) and 981,  
21 U.S.C. § 853,  
26 U.S.C. § 5872, and  
28 U.S.C. § 2461(c)  
(Forfeiture Allegation)

**THE GRAND JURY CHARGES:****INTRODUCTION**

1. Between January 2024 and May 2024, the Defendant MARK ADAMS PRIETO had discussions with a source working for the Federal Bureau of Investigation (FBI) and an FBI undercover to devise a plan to commit a mass shooting of African Americans and other minorities to incite a race war prior to the 2024 United States Presidential Election. PRIETO did not know that the source and undercover were government agents. PRIETO believed that the source and undercover shared his racist beliefs and wanted to commit a mass shooting to incite a race war.

2. PRIETO, the source, and the undercover had multiple discussions on how they were going to commit the mass shooting. The discussions occurred at gun shows in Phoenix, Prescott Valley, and Tucson in Arizona between January 2024 and May 2024. Prior to January 2024, PRIETO made statements to the source about carrying out a mass shooting targeting African Americans, Jews, and Muslims.

3. A concert in Atlanta, Georgia, on May 14 and May 15, 2024, was chosen as the event where the mass shooting was going to be committed. That concert in Atlanta was chosen because PRIETO expected large numbers of African Americans and other minorities to attend.

4. PRIETO, the source, and the undercover had discussions that included, but were not limited to, the vehicle that they would drive from Arizona to Atlanta, the route they would take, their cover story if they were stopped by law enforcement, the items they needed for the trip, the guns they would use to commit the attack, what they would wear to commit the attack, propaganda and sound equipment that they would use for messaging during the attack, their escape plan, and their attack plan at the venue.

5. During the January 2024, gun show in Phoenix, PRIETO talked to the undercover and the source about the benefits of using an AK-platform rifle for the mass shooting. On February 25, 2024, at a gun show in Phoenix, PRIETO sold the undercover a Nodak Spud

1 AK-47 rifle, model: NDS-1KP, serial number: H001428, for \$2,000.

2 6. On March 23, 2024, at a gun show in Prescott Valley, PRIETO told the undercover  
3 not to use the AK-platform rifle that the undercover previously purchased from PRIETO  
4 for the mass shooting because it was traceable and too valuable. PRIETO told the  
5 undercover that the undercover needed a firearm that was not traceable, priced at the  
6 midrange, and reliable. PRIETO said that he believed that an AR-platform rifle would be  
7 better for the mass shooting than an AK-platform rifle. The undercover asked PRIETO for  
8 an AR rifle that could not be traced back to the undercover to use for the mass shooting.  
9 PRIETO told the undercover that he would bring a rifle for the undercover the following  
10 day (March 24, 2024).

11 7. On March 24, 2024, as PRIETO and the undercover agreed the previous day,  
12 PRIETO brought to the gun show a Quentin Defense AR-15 rifle, model: QD-15, serial  
13 number: QDF00096. PRIETO sold the AR-15 rifle to the undercover for \$1,000. Later,  
14 while discussing the mass shooting, PRIETO told the undercover to use the AR-15 rifle for  
15 the mass shooting.

16 8. On April 13 and April 14, 2024, at a gun show in Phoenix, PRIETO told the  
17 undercover and the source that, while he wanted to push the mass shooting to a later date  
18 and maybe change the attack location to a mosque, the mass shooting must happen prior to  
19 the election and as soon as possible. He also said that he was traveling East in May and he  
20 wanted to do his own reconnaissance of the venue and scout locations to place propaganda  
21 and sound equipment for the attack.

22 9. On May 5, 2024, at gun show in Tucson, PRIETO told the source he was going East  
23 the following week to conduct reconnaissance. PRIETO confirmed that the next group  
24 meeting would take place at a gun show in Flagstaff on June 1 and June 2, 2024.

25 10. On May 14, 2024, PRIETO was stopped by law enforcement in New Mexico while  
26 he was traveling by himself in a vehicle. Pursuant to a federal search warrant, law  
27 enforcement found seven firearms, including a handgun, in the vehicle. There was  
28

1 ammunition for the handgun only.

2 11. On May 16, 2024, pursuant to a federal search warrant executed at PRIETO's  
3 residence, law enforcement found, among PRIETO's belongings, a Zastava, model:  
4 ZPAP92, caliber: 7.62, rifle (serial number Z92-089566), and other firearms and  
5 ammunition.

6 12. Through this course of conduct, PRIETO committed the following violations:

7 **COUNT 1**

8 On or about February 25, 2024, in the District of Arizona, the Defendant MARK  
9 ADAMS PRIETO, transferred or otherwise disposed of a firearm, to wit: a Nodak Spud  
10 AK-47 rifle, model: NDS-1KP, serial number: H001428, to another person, in or otherwise  
11 affecting interstate commerce, knowing and having reasonable cause to believe that the use  
12 of a firearm by the recipient would constitute a felony, to wit: Malice Murder, in violation  
13 of Ga. Code Ann. § 16-5-1(a), and Aggravated Assault, in violation of Ga. Code Ann. §  
14 16-5-21(a)(1).

15 All in violation of Title 18, United States Code, Section 933(a)(1).

16 **COUNT 2**

17 On or about March 24, 2024, in the District of Arizona, the Defendant MARK  
18 ADAMS PRIETO, transferred or otherwise disposed of a firearm, to wit: a Quentin  
19 Defense AR-15 rifle, model: QD-15, serial number: QDF00096, to another person, in or  
20 otherwise affecting interstate commerce, knowing and having reasonable cause to believe  
21 that the use of a firearm by the recipient would constitute a felony, to wit: Malice Murder,  
22 in violation of Ga. Code Ann. § 16-5-1(a), and Aggravated Assault, in violation of Ga.  
23 Code Ann. § 16-5-21(a)(1).

24 All in violation of Title 18, United States Code, Section 933(a)(1).

25 **COUNT 3**

26 On or about March 24, 2024, in the District of Arizona, the Defendant MARK  
27 ADAMS PRIETO, knowingly transferred a firearm, that is, a Quentin Defense AR-15 rifle,  
28

1 model: QD-15, serial number: QDF00096, knowing and having reasonable cause to believe  
2 that such firearm would be used in a crime of violence, that is, a Hate Crime, in violation  
3 of Title 18, United State Code, Section 249(a)(1).

4 All in violation of Title 18, United States Code, Section 924(h).

5 **COUNT 4**

6 Beginning on a date unknown to the grand jury, and ending no later than on or about  
7 May 16, 2024, in the District of Arizona, the Defendant MARK ADAMS PRIETO did  
8 knowingly possess a firearm, that is a Zastava, model: ZPAP92, caliber: 7.62, rifle with a  
9 barrel of less than 16 inches in length (serial number Z92-089566), not registered to the  
10 Defendant MARK ADAMS PRIETO in the National Firearms Registration and Transfer  
11 Record.

12 In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

13 **FORFEITURE ALLEGATION**

14 The Grand Jury realleges and incorporates the allegations of Counts 1 through 4 of  
15 this Indictment, which are incorporated by reference as though fully set forth herein.

16 Pursuant to Title 18, United States Code, Sections 924(d) and 981, Title 21, United  
17 States Code, Section 853, Title 26, United States Code, Section 5872, and Title 28, United  
18 States Code, Section 2461(c), and upon conviction of the offenses alleged in Counts 1  
19 through 4 of this Indictment, the defendant shall forfeit to the United States of America all  
20 right, title, and interest in (a) any property constituting, or derived from, any proceeds the  
21 persons obtained, directly or indirectly, as the result of the offense, and (b) any property  
22 used, or intended to be used, in any manner or part, to commit, or to facilitate the  
23 commission of such offense, including a Zastava, model: ZPAP92, caliber: 7.62, rifle  
24 (serial number Z92-089566).

25 If any of the above-described forfeitable property, as a result of any act or omission  
26 of the defendant:

27 (1) cannot be located upon the exercise of due diligence,  
28

1 (2) has been transferred or sold to, or deposited with, a third party,

2 (3) has been placed beyond the jurisdiction of the court,

3 (4) has been substantially diminished in value, or

4 (5) has been commingled with other property which cannot be divided without  
5 difficulty,

6 it is the intent of the United States to seek forfeiture of any other property of said defendant  
7 up to the value of the above-described forfeitable property, pursuant to Title 21, United  
8 States Code, Section 853(p).

9 All in accordance with Title 18, United States Code, Sections 924(d) and 981, Title  
10 21, United States Code, Section 853, Title 26, United States Code, Section 5872, Title 28,  
11 United States Code, Section 2461(c), and Rule 32.2, Federal Rules of Criminal Procedure.

12  
13  
14 A TRUE BILL

15  
16 /s/  
FOREPERSON OF THE GRAND JURY  
Date: June 11, 2024

17 GARY M. RESTAINO  
18 United States Attorney  
District of Arizona

19  
20 /s/  
MARIA R. GUTIERREZ  
21 GLENN B. MCCORMICK  
Assistant U.S. Attorneys  
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